

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Case No.: 19-15482
Jason C Ferguson	:	Chapter 13
	:	Judge Magdeline D. Coleman
Debtor(s)	:	*****
	:	*
	:	
Wells Fargo Bank, N.A.	:	Date and Time of Hearing
	:	Place of Hearing
vs	:	March 23, 2021 at 10:30 a.m.
	:	
Jason C Ferguson	:	U.S. Bankruptcy Court
	:	900 Market Street, Courtroom #2
WILLIAM C. MILLER, Esq.	:	Philadelphia, PA, 19107
Respondents.	:	

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO PERMIT WELLS
FARGO BANK, N.A. TO FORECLOSE ON 8021 CRISPIN STREET, PHILADELPHIA,
PA 19136**

Wells Fargo Bank, N.A. (the "Creditor") moves this Court, under Bankruptcy Code §§ 361, 362, 363, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, or dissolving the automatic stay imposed by Bankruptcy Code § 362 and avers as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.
4. Jason C Ferguson ("Debtor") filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on September 3, 2019 ("Petition").

5. Debtor is currently obligated to Wells Fargo Bank, N.A., under the terms of a certain Note, dated December 23, 2010, in the original principal amount of \$161,400.00 executed by Debtor (hereinafter "Note").

6. As security for repayment of the Note, Debtor executed a certain Mortgage, dated of even date and of even amount, currently in favor of Wells Fargo Bank, N.A., with respect to certain real property owned by the Debtor located at 8021 Crispin Street, Philadelphia, PA 19136 (hereinafter "Mortgaged Premises") and being recorded in Philadelphia County Recordings Office at Instrument Number 52299042 on December 30, 2010 in the Office of the Recorder of Deeds in and for Philadelphia County, Pennsylvania ("Mortgage").

7. The terms of the Debt Agreement were amended by a loan modification agreement entered into by and between Wells Fargo Bank, N.A. and Debtor(s) dated June 1, 2018 (the "Loan Modification Agreement"). A copy of which is attached hereto as Exhibit "A".

8. Debtor(s) executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Creditor or has been duly indorsed. Creditor, directly or through an agent, has possession of the promissory note. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust.

9. Debtor has failed to make post-petition mortgage payments for the past 7 months, as of February 5, 2021.

10. Due to said failure by Debtor to make payments when due, Creditor lacks adequate protection of its security interest in the Mortgaged Premises.

11. The total loan balance and the amount past due to Wells Fargo Bank, N.A. in post-petition arrearages are \$182,507.29 and \$8,558.13, less a post-petition suspense balance of \$248.62 for a total delinquency of \$8,309.51, respectively, as of February 5, 2021.

12. The automatic stay of Section 362 of the Bankruptcy Code should be terminated with respect to the interest of Wells Fargo Bank, N.A. in the Mortgaged Premises, pursuant to Section 362(d)(1).

WHEREFORE, Wells Fargo Bank, N.A. respectfully requests this Honorable Court to enter an order terminating the Automatic Stay as it affects the interest of Wells Fargo Bank, N.A. in the Mortgaged Premises of the Debtor specifically identified in the Mortgage, and granting such other relief as this Honorable Court may deem just. Additionally, Creditor requests the Fed.R.Bankr.P. 4001(a)(3) be waived so that the Order Terminating the Automatic Stay have immediate effect.

Respectfully submitted,

/s/ Sarah E. Barngrover

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

Manley Deas Kochalski LLC

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

Contact email is kvelter@manleydeas.com

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay to permit Wells Fargo Bank, N.A. to foreclose on 8021 Crispin Street, Philadelphia, PA 19136 was served on the parties listed below via e-mail notification:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

WILLIAM C. MILLER, Esq., Chapter 13 Trustee, P.O. Box 1229, Philadelphia, PA 19105, ecfemails@ph13trustee.com

BRAD J. SADEK, Attorney for Jason C Ferguson, Sadek and Cooper, 1315 Walnut Street, Suite 502, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on February 25, 2021:

Jason C Ferguson, 8021 Crispin Street, Philadelphia, PA 19136

DATE: 02/25/2021

/s/ Sarah E. Barngrover

Adam B. Hall (323867)
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The case attorney for this file is Karina
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